

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
Baltimore Division

IN RE:

Case No. 12-17596-RAG

RICHARD ALLEN HELSEL, SR. AKA RICHARD A.  
HELSEL, SR.

Debtor

Chapter 7

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WELLS FARGO BANK, N.A.  
c/o HOMEWARD RESIDENTIAL INC.

Movant

vs.

RICHARD ALLEN HELSEL, SR. AKA RICHARD A.  
HELSEL, SR.

Debtor/Respondent

and

MARC H. BAER

Trustee/Respondent

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**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, Wells Fargo Bank, N.A., as Trustee for Soundview Home Loan Trust 2007-OPT5, Asset-Backed Certificates, Series 2007-OPT5, c/o Homeward Residential Inc. ("Movant"), by and through counsel, and respectfully represents as follows:

1. The court has jurisdiction over this matter pursuant to 28 U.S.C. §§1334 and 157.
2. Movant is a mortgage lender/servicer.
3. On or about April 23, 2012, Richard Allen Helsel, Sr. aka Richard A. Helsel, Sr. ("Debtor") filed a voluntary petition for relief in this Court under Chapter 13 which was subsequently converted to a case under Chapter 7.
4. Marc H. Baer is the Chapter 7 Trustee of the Debtor's bankruptcy estate.
5. At the time of the initiation of the bankruptcy proceedings, the Debtor owned a parcel of real estate located in Anne Arundel County, Maryland, and improved by a residence known as 1728 Poplar Ridge Road, Pasadena, MD 21122 (the "Property").
6. The Property is encumbered by a Deed of Trust securing the Movant, and recorded among the land records of the aforesaid county. A copy of the Deed of Trust is attached hereto.
7. The Deed of Trust secures payment of a Promissory Note now payable to Movant. A copy of the Note is attached hereto.

BWW#: 121544

8. The amount due under the Deed of Trust securing the Note payable to Movant as of July 03, 2012 is approximately \$448,834.48, plus per diem interest and attorney's fees and court costs related to the present Motion for Relief from Automatic Stay.

9. The Debtor is contractually due for the May 01, 2010 payment and every payment thereafter. More specifically, the Debtor is contractually due for the May 01, 2010 through July 01, 2012 monthly payments, each in the approximate amount of \$2,544.41, plus late charges and attorney's fees and costs incurred with the filing of the present motion. An Arrearage Worksheet is attached hereto, which lists both pre and post petition amounts due.

10. The approximate total debt as of July 03, 2012 is as follows:

Unpaid Principal Balance	\$377,589.12
Interest Due	\$61,819.29
Late Fees	\$1,425.00
Escrow Advance Balance	\$3,020.19
Pro Rata MIP/PMI	\$0.00
Corporate Advance Balance	\$6,946.60
Less: Suspense Balance	\$1,965.72
Total:	<u>\$448,834.48</u>

11. The Movant avers that there is no equity in the Property because the total liens against the Property exceed its fair market value. The Debtor(s) have scheduled the Property with a market value of \$285,000.00 in their filed Schedules.

12. The Movant lacks adequate protection of its interest in the Property.

13. The Movant has been and continues to be irreparably injured by the stay of 11 U.S.C. §362(a) of the Bankruptcy Code, which prevents Movant from enforcing its rights under its Note and Deed of Trust.

14. Cause exists for lifting the automatic stay imposed by 11 U.S.C. §362(a) of the Bankruptcy Code so as to enable the Movant to enforce its rights under its Note and Deed of Trust.

WHEREFORE, the Movant its successors and/or assigns prays that this court:

1. Enter an order terminating the automatic stay imposed by 11 U.S.C. §362(a) of the Bankruptcy Code so as to enable Movant to proceed with a foreclosure action in the Circuit Court for Anne Arundel County, Maryland against the property located at 1728 Poplar Ridge Road, Pasadena, MD 21122, and to allow the successful purchaser at the foreclosure sale to obtain possession of same; and

2. Grant such other and further relief as may be just and necessary.

Dated: July 06, 2012

Respectfully Submitted,  
**BWW Law Group, LLC**

/s/ Kevin Feig, Esq.

Kevin Feig, Esq., MD Fed. Bar No. 15202  
BWW Law Group, LLC  
4520 East West Highway, Suite 200  
Bethesda, MD 20814  
(301) 961-6555  
(301) 961-6545 (facsimile)  
bankruptcy@bww-law.com  
*Attorney for the Movant*

**CERTIFICATE OF SERVICE**

I certify that on this 6th day of July, 2012, the following person(s) were or will be served a copy of the foregoing Motion for Relief from Automatic Stay via the CM/ECF system or by first class mail, postage prepaid:

Marc H. Baer, Trustee  
455 Main Street  
Reisterstown, MD 21136

Nicholas J. DelPizzo, III, Esq.  
7222 Holabird Avenue  
Baltimore, MD 21222

Richard Allen Helsel, Sr. aka Richard A. Helsel, Sr.  
1728 Poplar Ridge Road  
Pasadena, MD 21122

/s/ Kevin Feig, Esq.

Kevin Feig